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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/040,618 | 12/19/2001 | Wendell Brown | CC-002 | 3008 |
| 22200 | 7590 | 05/19/2004 | EXAMINER | |
| PARK, VAUGHAN & FLEMING LLP 702 MARSHALL STREET SUITE 310 REDWOOD CITY, CA 94063 | | | NGUYEN, QUYNH H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2642 | 2 |

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,618

Applicant(s)

BROWN ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato et al. (U.S. Patent 6,452,012).

Regarding claim 1, Trovato et al. teach the steps of: receiving from a first party (user 101) a request for a voice connection (col. 2, line 67 through col. 3, line 14); selecting a second party (user 102 or user 104) for said voice connection using one or more criteria, wherein said criteria do not include a telephone number. For example, users 101, 102, and 104 having similar fields of interest in politics, sports, or similar or compatible user profiles include the preferences of the user and other factors (col. 3, line 34 through col. 5, line 13); and initiating said voice connection between the first party and the second party (forms the chat network containing users 101 and 102).

However, Trovato et al. do not suggest a voice connection between a first party and a second party.

It would have been obvious to one of ordinary skill in the art that since Trovato's system is for creating a chat network, therefore, the chat network may contain the first party and second party or groups of users more than just two parties.

Regarding claims 2-4 and 9-10, Trovato et al. teach determining the availability of the first and second parties for providing a desired service for said voice connection (users having similar fields of interests or common topic to discuss – see Abstract).

Regarding claims 5 and 35, Trovato et al. teach receiving a first connection from the first party (user 101 requests an access to one of the chat network); receiving from the first party said one or more criteria (col. 3, lines 65-67 - prefer to discuss news); wherein said first connection is terminated prior to said initiating said voice connection (user 101 terminate his request an access to the chat network 131, the network former 130 forms the chat network 131 containing users 101 and 102).

Regarding claims 6 and 8, Trovato et al. teach identifies one or more parties corresponding to the one or more criteria and ranking said parties based on a rating of a party (col. 3, line 65 through col. 4, line 8).

Regarding claims 7 and 22-24, Trovato et al. do not teach a fee paid by a party for the voice connection with the first party. It would have been obvious to one of ordinary skill in the art at the time the invention was made that a fee need to be paid in order to used or subscribed to the service.

Regarding claims 11-16, Trovato et al. do not teach one or more criteria comprise a brand name, an identification of a department within a name of an organization, a location of the first party provided by an electronic device of the first party. It would have been obvious to one of ordinary skill in the art at the time the invention was made that there are different criteria can be used for selecting a second party for the voice connection. For example, having the same fields of interest in

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politics or sports, based on user characteristics, similar or compatible user profiles includes the preferences of the user and other factors such as age, gender, education level are used to determine which chat room the first party is placed.

Regarding claim 17, Trovato et al. teach establish the voice connection between the first party and the second party (col. 3, line 67 through col. 4 line 1 – forming a chat network containing users 101 and 102).

Regarding claims 18 and 19, Trovato et al. do not teach signaling a communication device operated by the first party to establish said voice connection with the second party, signaling the second party to establish the voice connection with the first party, but rather Trovato et al. teach forming a voice connection containing first and second parties ("chat network").

Regarding claims 20 and 21, Trovato et al. teach establishing a first connection with the second party and coupling the first party to the connection (forming a chat network containing the first and second parties). However, Trovato et al. do not teach the first party is coupled to the first connection after the second party answers the first connection, instead in Trovato's system, the voice connection is established between the first and second parties because they have similar or compatible user profiles.

Claim 25 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Trovato et al. teach a computer readable storage medium storing instruction executed by a computer (network former 130).

Claim 26 is rejected for the same reasons as discussed above with respect to claims 1, 20, and 21.

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Claim 27 is rejected for the same reasons as discussed above with respect to claims 25 and 26.

Claims 28 and 29 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Trovato et al. teach a call server and a selector (network former 130), and a connection to a call processor (access request processor 110).

Regarding claims 30-32, Trovato et al. teach the selector (network former 130) comprises the availability module configured to determine the availability or one or more of the subscriber and the party and for providing service desire by the subscriber (Abstract and col. 3, line 65 through col. 4, line 4).

Regarding claims 33 and 34, Trovato et al. teach the chat network 131 sends text, audio, audio-visual, multi-media, or any other suitable for transmission messages to other users (col. 3, lines 2-5). However, Trovato et al. do not teach notifying the party of the request via an electronic mail message sent to an electronic mail address associated with the party, or via an instant message sent to an instant message user name associated with the party. It would have been obvious to one of ordinary skill in the art to modify Trovato's system to also notify/send mail or instant message to the requested party in order to inform the requested party an availability of the party for providing service desired by the requested party.

Conclusion

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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jain et al. (U.S. Patent 5,742,674) teach automatic call back system and method using data indicating best time to call/
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
May 13, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600